

REMARKS

The specification has been amended to overcome the Examiner's objections.

Claims 1, 2 and 4 have been cancelled without prejudice. Claim 3 has been amended slightly and is believed still embodies the features considered allowable by the Examiner. Claims 5-12 have been added.

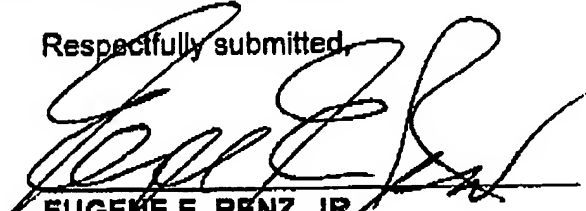
Applicant's invention relates to improvements in rack assemblies for batteries which is characterized by novel features of construction and arrangement to provide a very rigid structure capable of supporting the batteries even under seismic load conditions and which takes up a minimum space in the areas on which these back-up power systems are used.

None of the patents cited by the Examiner shows the structural details and arrangement of Applicant's rack assembly as now claimed providing the functional advantages discussed in the specification. Even though the three (3) references cited in Hung, 6,478,166, Walter, 6,279,756 and Heimer 6,475,659 show storage racks and the like bearing a superficial resemblance to applicant's rack, none of them include the combination of features including the support arrangement for the batteries which the Examiner characterized as unique. The independent claims submitted herewith are patterned after Claim 3 and thus include the unique feature which prompted the indication of allowance of Claim 3 as originally presented. Furthermore, even though the references show frames having upstanding vertical support members and various gusset arrangements, none of them show the specific details wherein the base and the channel include a separable base arrangement and tab and locating lug shown in the embodiment of the invention illustrated in Figs. 12 and 13. Further, the patents cited do not show the specific arrangement of the vertical support members having a base formed integrally

therewith and a channel support element nested in the vertical support member as shown in Fig. 14.

Favorable consideration of the claims now presented is respectfully solicited. It is believed that the filing of this Amendment places the application in condition for allowance and favorable consideration leading to that end is respectfully solicited. If however, there are additional matters which require attention, Applicant's attorney respectfully requests that he call him by phone and thereby expedite prosecution of this case.

Respectfully submitted,



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